

Panaji, 24th January, 1974 (Magha 4, 1895)

SERIES II No. 43



OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

EXTRAORDINARY

GOVERNMENT OF GOA, DAMAN AND DIU

Labour and Information Department

Order

No. LC/1/ID/(20)/71/72/73/IT-2/73

The following Award given by the Industrial Tribunal, Goa, Daman and Diu, on an Industrial Dispute between M/s. Xaverian Press Training School, Pilar, Goa, and the workmen employed by them, is hereby published as required vide provisions of section 17 of the Industrial Disputes Act, (XIV of 1947):—

Before Shri M. G. Chitale, Industrial Tribunal, Goa, Daman and Diu

Reference (IT-GDD) No. 19 of 1973

Adjudication

Between

M/s. Xaverian Press Training School, Pilar

And

Their workmen.

In the matter of gratuity scheme.

Appearances:

Shri S. V. Joshi, Advocate, for the employers.

Shri H. R. Bharne, Advocate, for the workmen.

AWARD

(12-12-1973)

This is a reference under Section 10(1)(d) read with Section 12(5) of the Industrial Disputes Act, 1947. The demand in this reference reads thus:

"Whether the Newspaper and Press Employees' Union, Betim Bardez, was justified in demanding the introduction of gratuity scheme as spelt out in letter No. NAPEU/1/71 dated 15-2-1971 by the management of M/s. Xaverian Press Training School, Pilar;

If not, what relief the concerned workers are entitled to?".

2. At the hearing of the reference Mr. Joshi for the employers contends that in view of the Payment of Gratuity Act which has come into force since 16th September 1972 the Tribunal has no jurisdiction to frame a gratuity scheme as demanded. It is true that in view of the fact that Payment of Gratuity Act is passed by the Parliament and it has come

into force, it would not be desirable to frame a scheme. In the present case I do not find any justification for framing a gratuity scheme. All the same it is pointed out to me on behalf of the employees that the demand in the present case was submitted on 15th February 1971 while the Payment of Gratuity Act came into force on 16th September 1972. It is further pointed out that 3 employees having to their credit service for more than 10 years retired after the demand but before the Payment of Gratuity Act came into force. It is urged that the demand of these 3 employees for gratuity can certainly be considered by the Tribunal. Mr. Joshi relies on the Supreme Court decision in Vagoils Pvt. Ltd. Vs. The workmen, (1971, II-L.L.J., 567) in support of the preliminary objection. Observations in para 44 are relied upon. The observations in para 44 clearly indicate that the Tribunal directed abolition of contract labour from May 1, 1971, while the Central Act relevant in that respect came into force on 10th February 1971. The Supreme Court pointed out that after that Act came into force, the abolition of contract labour could be done only by the appropriate Government in accordance with the provisions of that Act. When a different machinery was provided by the Act the Tribunal could not grant the relief which ought to be awarded by that machinery under the Act. I do not think that the Supreme Court decision relied upon by Mr. Joshi touches the point I am required to decide. The jurisdiction of the Tribunal is in any event not taken away in so far as it relates to the period prior to the Payment of Gratuity Act coming into force.

3. In the present case I propose to consider the claim of only 3 employees who retired before the Payment of Gratuity Act came into force, but after the demand was served on the employers. Each of them has to his credit service for more than 10 years. On behalf of the employees it is pointed out that the Wage Board for Non-journalist employees of Newspaper Establishments has recommended the same gratuity as is provided for Journalists under the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955. It is not disputed that the 3 employees in question are non-journalists. There is, therefore, no Statute providing gratuity applicable to them. It is a well known fact that prior to the Payment of Gratuity Act coming into force gratuity was generally based on the basic wage excluding dearness allowance. Considering this aspect, I think it would be fair to award gratuity to the 3 employees, viz. Joaquim Fernandes, Placiano Pereira and Constancio Rodrigues at the rate of 1/3rd of the total salary, including dearness allowance for each completed year of service. Award accordingly. No order as to costs.

Sd/- M. G. CHITALE
Industrial Tribunal.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. Noronha, Under Secretary (Labour).

Panaji 15th January, 1974.

Revenue Department

Notification

No. RD/LQN/267/72

Whereas it appears to the Appropriate Government (hereinafter referred to as «the Government») that the land specified in the schedule hereto (hereinafter referred to as the «said land») is likely to be needed for public purpose viz for M/s Trade Wings Private Ltd., Bombay for construction of 3 Star Hotel.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the «said Act») that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect

under Section 6 of the said Act will be published in the Government Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, Collector's Office, Panaji, to perform the functions of a Collector under the said Act in respect of the said land, and direct him to submit his report under rule 4(1) of the Land Acquisition (Companies) Rules 1963.

5. The Government is also pleased to authorise under sub-section (2) of Section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. Collector of Goa, Panaji.
2. The Land Acquisition Officer, Collector's Office, Panaji.
3. The Director of Information and Tourism, Panaji.
4. The Director of Land Survey, Panaji.
5. M/s. Trade Wings, Private Ltd., Bombay.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, Collector's Office, Panaji for a period of 30 days from the date of publication of this Notification in the Government Gazette. This supersedes Government Notification No. RD/LQN/15/73 dated 5-4-1973 published on page 6 of Series II, No. 2, of Government Gazette dated 12-4-1973.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate
						area in sq. mts.
1	2	3	4	5	6	7
				Old Survey No.	New Survey No.	
1.	Marmagoa	Chicalim	3	4	69	Shri Francisco Terezinha Farla of Bambolda, Verna, Salcete.
			4	4	69	Shri Francisco Paulo Rebeiro of Margao, Salcete.
			6	6	66	Shri Francisco Paulo Rebeiro of Margao, Salcete.
			3	6	66	Shri Eufemiano Alvares of Gogal, Margao, Salcete.
			4	6	66	Shri Antonio da Silva of Chicalim, Vasco-da-Gama.
			8	6	66	Smt. Maria Luiza Cruz e Pinto of Loutolim, Salcete.
Total						6136.50

By order and in the name of the Lieut. Governor of Goa, Daman and Diu.

P. S. Bhatnagar, Secretary (Revenue).

Panaji, 24th January, 1974.

Notification
No. RD/LQN/6/74

Whereas it appears to the Appropriate Government (hereinafter referred to as «the Government») that the land specified in the schedule hereto (hereinafter referred to as the «said land») is likely to be needed for public purpose viz Parking Zone at Margao.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the «said Act») that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said

land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Government Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Deputy Collector Goa, South Sub-Division, Margao to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. Collector of Goa, Panaji.
2. Deputy Collector, Goa, South Sub-Division, Margao.

3. The Member Secretary, Town Planning Committee Govt. of Goa, Daman and Diu, P. W. D., Building, Altinho, Panaji.

4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Deputy Collector Goa South Sub-Division, Margao for a period of 30 days from the date of publication of this Notification in the Government Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Salcete	Margao	—	—	P. T. Sheet No. 4 chatta No. 8 Part belonging to Shri Constancio D'Cruz of Margao.	6092.00
					Total	6092.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Bhatnagar, Secretary (Revenue).

Panaji, 24th January, 1974.

Notification

No. RD/LQN/1/174

Whereas it appears to the Appropriate Government (hereinafter referred to as «the Government») that the land specified in the schedule hereto (hereinafter referred to as the «said land») is likely to be needed for public purpose viz for Community Centre at Porvorim.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the «said Act») that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Government Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, Collector's Office, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. Collector of Goa, Panaji.
2. The Land Acquisition Officer, Collector's Office, Panaji.
3. The Member Secretary, Town Planning Committee, Govt. of Goa, Daman and Diu, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, Collector's Office, Panaji for a period of 30 days from the date of publication of this Notification in the Government Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Bardez	Penha de Franca (Serula) Porvorim	1	129	Serula Comunidade, Administração de Comunidades, Bardez, Mapusa. North: Land in possession of Education Department (Teachers Training Centre). South and East: Housing Board. West: Remaining portion of lot No. 156.	48,000.00
					Total	48,000.00

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. S. Bhatnagar, Secretary (Revenue).

Panaji, 24th January, 1974.

Notification

No. RD/LQN/242/72

Whereas by Government Notification No. RD/LQN/242/72 dated 23-9-72 published on page 224-225 of Series II, No. 28 of the Government Gazette, dated 12-10-1972 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter

referred to as «the said Act») that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the «said land») was likely to be needed for the public purpose viz Goa University at Cundaim.

And whereas the appropriate Government (hereinafter referred to as «the Government») is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition

Officer, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Land Acquisition Officer, Collector's Office, Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka	Village	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
Ponda	Kundaim	37	42-6	Shri Guiri Ghanesh Kamat, Kundaim.	6.975.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Bhatnagar, Secretary (Revenue).

Panaji, 21st January, 1974.